

COMMUNICATIONS

WITH

FRANCE AND SPAIN,

RELATING TO THE

SPANISH AMERICAN PROVINCES.

Presented to both Houses of Parliament by Command of His Majesty,

March 1824.

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COMMUNICATIONS

1824

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No. 1.

*Extract of a Memorandum of a Conference between The Prince de Polignac
and Mr. Canning, held October 9th, 1823.*

THE Prince de Polignac having announced to Mr. Canning, that His Excellency was now prepared to enter with Mr. Canning into a frank explanation of the views of his Government respecting the question of Spanish America, in return for a similar communication which Mr. Canning had previously offered to make to The Prince de Polignac on the part of the British Cabinet, Mr. Canning stated :—

That the British Cabinet had no disguise or reservation on that subject : that their opinions and intentions were substantially the same as were announced to the French Government, by the Despatch of Mr. Canning to Sir Charles Stuart of the 31st of March ; which Despatch that Ambassador communicated to M. de Chateaubriand, and which had since been published to the World.

That the near approach of a Crisis, in which the Affairs of Spanish America must naturally occupy a great share of the attention of both Powers, made it desirable that there should be no misunderstanding between Them on any part of a subject so important.

That the British Government were of opinion, that any attempt to bring Spanish America again under its ancient submission to Spain, must be utterly hopeless : that all negotiation for that purpose would be unsuccessful ; and that the prolongation or renewal of War for the same object would be only a waste of human life, and an infliction of calamity on both Parties, to no end.

That the British Government would, however, not only abstain from interposing any obstacle, on their part, to any attempt at negotiation, which Spain might think proper to make, but would aid and countenance such negotiation, provided it were founded upon a basis which appeared to them to be practicable ; and that they would, in any case, remain strictly neutral in a War between Spain and the Colonies, if War should be unhappily prolonged.

But that the junction of any Foreign Power, in an enterprize of Spain against the Colonies, would be viewed by them as constituting an entirely new question ; and one upon which they must take such decision as the Interests of Great Britain might require.

That the British Government absolutely disclaimed, not only any desire of appropriating to Itself any portion of the Spanish Colonies, but any intention of forming any political connexion with them, beyond that of Amity and Commercial Intercourse.

That in those respects, so far from seeking an exclusive preference for British Subjects over those of Foreign States, England was prepared, and would be contented, to see the Mother Country (by virtue of an amicable arrangement) in possession of that preference; and to be ranked, after Her, equally with others, on the footing of the most favoured Nation.

That, completely convinced that the ancient system of the Colonies could not be restored, the British Government could not enter into any stipulation binding Itself either to refuse or to delay It's Recognition of their Independence.

That the British Government had no desire to precipitate that Recognition, so long as there was any reasonable chance of an accommodation with the Mother Country, by which such a Recognition might come first from Spain.

But that It could not wait indefinitely for that result; that It could not consent to make It's Recognition of the New States *dependent* upon that of Spain; and that It would consider any Foreign Interference, by force or by menace, in the dispute between Spain and the Colonies, as a motive for recognizing the latter without delay.

That the Mission of Consuls to the several Provinces of Spanish America, was no new measure on the part of this Country:—that it was one which had, on the contrary, been delayed, perhaps too long, in consideration of the state of Spain, after having been announced to the Spanish Government in the month of December last, as settled; and even after a List had been furnished to that Government of the Places to which such Appointments were intended to be made.

That such Appointments were absolutely necessary for the protection of British Trade in those Countries.

That the old pretension of Spain to interdict all trade with those Countries, was, in the opinion of the British Government, altogether obsolete;—but that, even if attempted to be enforced against Others, it was, with regard to Great Britain, clearly inapplicable.

That permission to trade with the Spanish Colonies had been conceded to Great Britain in the year 1810, when the Mediation of Great Britain between Spain and her Colonies was asked by Spain, and granted by Great Britain:—that this Mediation, indeed, was not afterwards employed, because Spain changed her counsel; but that it was not, therefore, practicable for Great Britain to withdraw Commercial Capital once embarked in Spanish America, and to desist from Commercial Intercourse once established.

That it had been ever since distinctly understood that the trade was open to British Subjects, and that the ancient Coast Laws of Spain were, so far as regarded them at least, tacitly repealed.

That in virtue of this understanding, redress had been demanded of Spain in 1822, for (among other grievances) seizures of vessels for alleged infringements of those Laws; which redress the Spanish Government bound Itself by a Convention (now in course of execution) to afford.

That Great Britain, however, had no desire to set up any separate right to the free enjoyment of this Trade: that She considered the force of circumstances, and the irreversible progress of events, to have already determined the question of the existence of that freedom for all the World; but that, for Herself, She claimed, and would continue to use it; and should any attempt be made to dispute that claim, and to renew the obsolete interdiction, such attempt might be best cut short by a speedy and unqualified Recognition of the Independence of the Spanish American States.

That, with these general opinions, and with these peculiar claims, England could not go into a joint deliberation upon the subject of Spanish America, upon an equal footing with other Powers, whose opinions were less formed upon that question, and whose interests were less implicated in the decision of it.

That She thought it fair therefore to explain beforehand, to what degree Her mind was made up, and Her determination taken.

The Prince de Polignac declared,

That his Government believed it to be utterly hopeless to reduce Spanish America to the state of its former relation to Spain ;

That France disclaimed, on Her part, any intention or desire to avail Herself of the present State of the Colonies, or of the present situation of France towards Spain, to appropriate to Herself any part of the Spanish Possessions in America, or to obtain for Herself any exclusive advantages ;

And that, like England, She would willingly see the Mother Country in possession of superior commercial advantages, by amicable arrangements ; and would be contented, like Her, to rank, after the Mother Country, among the most favoured Nations.

Lastly, that She abjured, in any case, any design of acting against the Colonies by force of arms.

The Prince de Polignac proceeded to say,

That, as to what might be the best arrangement between Spain and her Colonies, the French Government could not give, nor venture to form, an opinion, until The King of Spain should be at liberty,

That they would then be ready to enter upon it, in concert with their Allies, and with Great Britain among the number.

In observing upon what Mr. Canning had said, with respect to the peculiar situation of Great Britain, in reference to such a Conference, The Prince de Polignac declared,

That he saw no difficulty which should prevent England from taking part in the Conference, however she might now announce the difference, in the view which she took of the question, from that taken by the Allies. The refusal of England to co-operate in the work of reconciliation might afford reason to think, either that She did not really wish for that reconciliation, or that She had some ulterior object in contemplation ; two suppositions equally injurious to the honour and good faith of the British Cabinet.

The Prince de Polignac further declared,

That he could not conceive what could be meant, under the present circumstances, by a pure and simple acknowledgment of the Independence of the Spanish Colonies ; since, those Countries being actually distracted by civil wars, there existed no Government in them which could offer any appearance of solidity ;—and that the acknowledgment of American Independence, so long as such a state of things continued, appeared to him to be nothing less than a real sanction of anarchy.

The Prince de Polignac added,

That, in the interest of humanity, and especially in that of the Spanish Colonies, it would be worthy of the European Governments to concert together the means of calming, in those distant and scarcely civilized regions, passions blinded by party spirit ; and to endeavour to bring back to a principle of Union in Government, whether Monarchical or Aristocratical, People among whom absurd and dangerous theories were now keeping up agitation and disunion.

Mr. Canning, without entering into discussion upon these abstract principles, contented himself with saying,

That,—however desirable the establishment of a Monarchical form of Government, in any of those Provinces, might be, on the one hand, or whatever might be the difficulties in the way of it, on the other hand—his Government could not take upon Itself to put it forward as a condition of their Recognition.

P.

G. C.

No. 2.

Sir William à Court to Mr. Secretary Canning.—(Received January 14.)

(Extract.)

Madrid, December 30, 1823.

THE inclosed Note, though dated the 26th, did not reach me till yesterday. By my answer, a copy of which I have the honour to inclose, you will see that I merely acknowledge its receipt, promising to transmit it to my Government.

(Signed) WILLIAM à COURT.

*The Right Hon. George Canning,
&c. &c. &c.*

(First Inclosure in No. 2.)

Count Ofalia to Sir William à Court.

MUY SEÑOR MIO.

Palacio, 26 e Diciembre de 1823.

TENGO la honra de participar á V. S. que Su Majestad el Rey, mi Augusto Amo, ha resuelto dedicar su particular atencion á el arreglo de los negocios de los paises disidentes de la America Española; deseoso de lograr la dicha de ver pacíficos sus estados, en los que prendió la semilla de la anarquia, con perjuicio de la seguridad de los otros Gobiernos: razon porque S. M. ha creído oportuno contar con el auxilio de sus caros aliados, para obtener resultados que deben ser ventajosos para la tranquilidad y prosperidad de toda la Europa.

La copia adjunta instruirá á V. S. de las ordenes dadas á los representantes de Su Magestad Catolica en las Cortes de Austria, Francia, y Rusia, y como aun no residan los Ministros de España en Londres ni Berlin, el Rey me ha prevenido que dirija á V. S. y al Señor Ministro de Prusia en esta Corte, el traslado de dicha comunicacion, que Su Magestad espera se servirá V. S. transmitir á su Gobierno, en cuya amistad y fina politica confia el Rey Mi Amo, que sabrá apreciar la franqueza de esta comunicacion, y la equidad que ha dictado las bases en que se funda.

Aprovecho esta ocasion, &c.

(Firmado) EL CONDE DE OFALIA.

Sr. Ministro de Inglaterra.

(Translation of First Inclosure in No. 2.)

HONOURED SIR,

Palace, December 26, 1823.

I HAVE the honour to inform you that The King, my august Master, has

determined to devote His particular attention to the regulation of the affairs concerning the disturbed Countries of Spanish America, being solicitous to succeed in pacifying His Dominions, in which the seeds of Anarchy have taken root to the prejudice of the safety of other Governments. His Majesty has therefore thought that He might justly calculate on the assistance of His dear Allies, towards obtaining results which cannot but prove beneficial to the tranquillity and happiness of all Europe.

The inclosed Copy will put you, Sir, in possession of the orders issued to His Catholick Majesty's Representatives at the Courts of Austria, France, and Russia:—and as the Ministers of Spain have not yet proceeded to London and Berlin, The King has directed me to address to you, Sir, and to the Minister of Prussia at this Court, a transcript of the said Communication; which His Majesty hopes you will have the goodness to transmit to your Government, whose friendship and upright policy, The King, my Master, trusts, will know how to appreciate the frankness of this Communication, and the equity which has dictated the bases on which it is founded.

I avail myself of this opportunity, &c.

(Signed) THE CONDE DE OFALIA.

To The Minister of England.

(Second Inclosure in No. 2.)

Count Ofalia to His Catholick Majesty's Ambassador at Paris, and Ministers Plenipotentiary at St. Petersburg and Vienna.

RESTITUIDO El Rey, Nuestro Señor, al trono de sus mayores en el goce de sus heredados derechos, ha tenido muy presente la suerte de sus dominios de America, despedazados por la guerra civil, y puestos al borde del mas ruinoso precipicio. Inutilizados en los tres años ultimos por la rebelion sostenida en España los constantes esfuerzos hechos para mantener la Costa Firme en tranquilidad, para libertar las riberas de la Plata, y para conservar el Perú y la Nueva España; ha visto Su Magestad con dolor los progresos del fuego de la insurreccion: pero tambien sirve Al Rey de consuelo la repeticion de pruebas irrefragables de que una inmensidad de Españoles son fieles á sus juramentos de lealtad al trono; y la sana mayoría Americana reconoce que no puede ser feliz aquel hemisferio, sin vivir hermanado con los que civilizaron aquellos paises.

Estas reflexiones animan poderosamente á Su Magestad á esperar que la justicia de su causa hallará firme apoyo en la influencia de las Potencias de Europa. Por lo que ha resuelto El Rey que se invite á los Gabinetes de sus caros é intimos aliados, á establecer una Conferencia en Paris, donde reunidos sus Plenipotenciarios con los de Su Magestad Catolica, auxilien á la España al arreglo de los negocios de America en los paises disidentes. En el exámen de esta importante question, Su Magestad tendrá en consideracion, de acuerdo con sus poderosos aliados, las alteraciones que los acontecimientos han ocasionado en sus Provincias Americanas; y las relaciones que durante las turbulencias se han formado con las Naciones comerciantes; á fin de combinar por este medio de buena fé, las medidas mas adecuadas para conciliar los derechos y justos intereses de la Corona de España, y su soberanía, con los que las circunstancias puedan haber ocasionado con respecto á las otras Naciones. Su Magestad confiando en los sentimientos de sus Aliados, espera que le ayudarán al digno objeto de sostener los principios del orden y de la legitimidad, cuya subversion atacada en America, pronto se comunicaría á la Europa, y le auxiliarán al mismo tiempo á restablecer la paz entre ella y sus Colonias.

En consecuencia, Su Magestad quiere que penetrado V. de estas razones, y empleando los recursos de su conocido talento, trate de conseguir que ese Gobierno se decida á la deseada cooperacion que los acontecimientos de la Peninsula han preparado; autorizando á V. para dejar copia de este oficio á ese Ministro de Negocios Estrangeros.

Dios guarde á V. muchos años.

(Firmado)

El Conde De OFALIA.

*Al Sr. Embajador de S. M. U. en Paris, y á
Sus Ministros Plenrs. en San Petersburgo y
Viena.*

(Translation of Second Inclosure in No. 2.)

THE King, our Sovereign, being restored to the Throne of his Ancestors in the enjoyment of his hereditary rights, has seriously turned his thoughts to the fate of his American dominions, distracted by civil war and brought to the brink of the most dangerous precipice. As during the last three years the rebellion which prevailed in Spain defeated the constant efforts which were made for maintaining tranquillity in the Costa Firma, for rescuing the banks of the River Plata, and for preserving Peru and New Spain; His Majesty beheld with grief the progress of the flame of insurrection: but it affords, at the same time, consolation to the King that repeated and irrefragable proofs exist of an immense number of Spaniards remaining true to their oaths of allegiance to the Throne; and that the sound majority of Americans acknowledge that that hemisphere cannot be happy unless it live in brotherly connection with those who civilized those Countries.

These reflections powerfully animate His Majesty to hope that the justice of his cause will meet with a firm support in the influence of the Powers of Europe. Accordingly, the King has resolved upon inviting the Cabinets of his dear and intimate Allies to establish a Conference at Paris, to the end that their Plenipotentiaries, assembled there along with those of His Catholick Majesty, may aid Spain in adjusting the affairs of the revolted Countries of America. In examining this important question, His Majesty will, in conjunction with his powerful Allies, consider of the alterations which events have produced in his American Provinces, and of the relations which, during the disorders, have been formed with commercial Nations; in order thereby to adopt, with good faith, the measures most proper for conciliating the rights and just interests of the Crown of Spain and of it's Sovereignty, with those which circumstances may have occasioned with respect to other nations. His Majesty confiding in the sentiments of his Allies, hopes that they will assist Him in accomplishing the worthy object of upholding the principles of order and legitimacy, the subversion of which, once commenced in America, would presently communicate to Europe; and that they will aid him, at the same time, in re-establishing peace between this division of the globe and its Colonies.

It is, therefore, His Majesty's pleasure that, penetrated with these reasons, and availing yourself of the resources of your well known talents, you should endeavour to dispose the Government with which you reside, to agree to the desired co-operation, for which the events of the Peninsula have paved the way; authorising you to communicate a copy of this Note to the Minister for Foreign Affairs.

God preserve you many years.

(Signed)

The Conde de OFALIA.

*To the Ambassador of His Catholick Majesty
at Paris, and to His Ministers Plenipotentiary
at St. Petersburg and Vienna.*

(Third Inclosure in No. 2.)

Sir William à Court to Count Ofalia.

Madrid, December 30, 1823.

THE Undersigned, &c. &c. has the honour to acknowledge the receipt of the Count Ofalia's note, dated the 26th of this month. He will hasten to submit it to his Government.

He begs His Excellency to accept, &c.

(Signed)

WILLIAM à COURT.

His Excellency The Count Ofalia,
&c. &c. &c.

No. 3.

Mr. Secretary Canning to Sir W. à Court.

SIR,

Foreign-Office, January 30, 1824.

The Messenger Latchford delivered to me, on the 14th instant, your Despatch, inclosing a Copy of the Count de Ofalia's Official Note to you of the 26th of December last; with the accompanying Copy of an Instruction, which has been addressed, by order of His Catholick Majesty, to His Ambassador at Paris, and to His Ministers Plenipotentiary at the Courts of Vienna and St. Petersburg.

Having laid these Papers before The King, I have received His Majesty's commands to direct you to return to them the following answer:—

The purpose of the Spanish Instruction is to invite the several Powers, the Allies of His Catholick Majesty, to “establish a Conference at Paris, in order that their Plenipotentiaries, together with those of His Catholick Majesty, may aid Spain in adjusting the affairs of the revolted Countries of America.”

The maintenance of the “Sovereignty” of Spain over her late Colonies is pointed out in this Instruction as one specifick object of the proposed Conference; and though an expectation of the employment of force for this object, by the Powers invited to the Conference, is not plainly indicated, it is not distinctly disclaimed.

The invitation contained in this Instruction not being addressed directly to the Government of Great Britain, it may not be necessary to observe upon that part of it, which refers to the late “events in the Peninsula,” as having “paved the way” for the “desired co-operation.”

The British Government could not acknowledge an appeal founded upon transactions to which It was no Party. But no such appeal was necessary. No variation in the internal Affairs of Spain has, at any time, varied the King's desire to see a termination to the evils arising from the protracted struggle between Spain and Spanish America; or His Majesty's disposition to concur in bringing about that termination.

From the year 1810, when His Majesty's single Mediation was asked and granted to Spain, to effect a Reconciliation with Her Colonies,—the disturbances in which Colonies had then but newly broken out,—to the year 1818, when the same task, encreased in difficulty by the course and complication of events in America, was proposed to be undertaken by the Allied Powers

assembled in Conference at Aix-la-Chapelle;—and from the year 1818 to the present time,—the good offices of His Majesty for this purpose have always been at the service of Spain, within limitations and upon conditions, which have been in each instance explicitly described.

Those limitations have uniformly excluded the employment of force or of menace against the Colonies, on the part of any Mediating Power; and those conditions have uniformly required the previous statement by Spain, of some definite and intelligible proposition,—and the discontinuance on Her part of a System utterly inapplicable to the new relations which had grown up between the American Provinces and other Countries.

The fruitless issue of the Conferences at Aix-la-Chapelle would have deterred the British Government from acceding to a proposal for again entertaining, in Conference, the Question of a Mediation between Spain and the American Provinces; even if other circumstances had remained nearly the same. But the events which have followed each other with such rapidity during the last five years, have created so essential a difference, as well in the relative situation in which Spain and the American Provinces stood, and now stand to each other, as in the external relations and the internal circumstances of the Provinces themselves, that it would be vain to hope that any Mediation, not founded on the basis of Independence, could now be successful.

The best proof which the British Government can give of the interest which It continues to feel for Spain, is, to state frankly their opinion as to the course most advisable to be pursued by His Catholick Majesty; and to answer, with the like frankness, the question implied in M. Ofalia's Instruction, as to the nature and extent of their own relations with Spanish America.

There is no hesitation in answering this question. The Subjects of His Majesty have for many years carried on Trade and formed Commercial Connections in all the American Provinces, which have declared their Separation from Spain.

This Trade was originally opened with the consent of the Spanish Government. It has grown gradually to such an extent as to require some direct protection, by the establishment at several Ports and Places in those Provinces, of Consuls on the part of this Country:—a measure long deferred out of delicacy to Spain, and not resorted to at last without distinct and timely notification to the Spanish Government.

As to any further step to be taken by His Majesty towards the acknowledgment of the *de facto* Governments of America,—the decision must (as has already been stated more than once to Spain and to other Powers) depend upon various circumstances; and, among others, upon the reports which the British Government may receive of the actual state of affairs in the several American Provinces.

But it appears manifest to the British Government, that if so large a portion of the Globe should remain much longer without any recognized political existence, or any definite political connexion with the established Governments of Europe, the consequences of such a state of things must be at once most embarrassing to those Governments, and most injurious to the interests of all European Nations.

For these reasons, and not from mere views of selfish Policy, the British Government is decidedly of opinion, that the Recognition of such of the new States as have established *de facto* their separate political existence, cannot be much longer delayed.

The British Government have no desire to anticipate Spain in that Recognition. On the contrary, it is on every account their wish, that His Catholick Majesty should have the grace and the advantage of leading the

way, in that Recognition, among the Powers of Europe. But the Court of Madrid must be aware, that the discretion of His Majesty in this respect cannot be indefinitely bound up by that of His Catholick Majesty; and that even before many months elapse, the desire, now sincerely felt by the British Government, to leave this precedency to Spain, may be overborne by considerations of a more comprehensive nature;—considerations regarding not only the essential Interests of His Majesty's Subjects, but the relations of the Old World with the New.

Should Spain resolve to avail herself of the opportunity yet within Her power, the British Government would, if the Court of Madrid desired it, willingly afford its countenance and aid to a Negotiation, commenced on that only basis which appears to them to be now practicable; and would see, without reluctance, the conclusion, through a negotiation on that basis, of an arrangement, by which the Mother Country should be secured in the enjoyment of Commercial advantages superior to those conceded to other Nations.

For Herself, Great Britain asks no exclusive privileges of trade; no invidious preference, but equal freedom of commerce for all.

If Spain shall determine to persevere in other counsels, it cannot but be expected that Great Britain must take her own course upon this matter, when the time for taking it shall arrive; of which Spain shall have full and early intimation.

Nothing that is here stated can occasion to the Spanish Government any surprize.

In my Despatch to Sir Charles Stuart of the 31st of March 1823, which was communicated to the Spanish Government, the opinion was distinctly expressed, that, "time and the course of events had substantially decided the separation of the Colonies from the Mother Country; although the formal Recognition of those Provinces, as Independent States, by His Majesty, might be hastened or retarded by various external circumstances, as well as by the more or less satisfactory progress, in each State, towards a regular and settled Form of Government."

At a subsequent period, in a Communication* made, in the first instance to France, and afterwards to other Powers,† as well as to Spain, the same opinions were repeated; with this specifick addition,—that in either of two Cases (now happily not likely to occur),—in that of any attempt on the part of Spain, to revive the obsolete interdiction of intercourse with Countries over which She has no longer any actual dominion;—or in that of the employment of Foreign assistance to re-establish her dominion in those Countries, by force of Arms;—the Recognition of such New States by His Majesty would be decided and immediate.

After thus declaring to you, for the information of the Court of Madrid, the deliberate opinion of the British Government on the points on which Spain requires the advice of Her Allies, it does not appear to the British Cabinet at all necessary to go into a Conference, to declare that opinion anew; even if it were perfectly clear, from the tenour of M. O'Farly's Instruction, that Great Britain is in fact included in the invitation to the Conference at Paris.

Every one of the Powers so invited has been constantly and unreservedly apprized, not only of each step which the British Government has taken, but of every opinion which It has formed on this subject:—and this Despatch will be communicated to them all.

If those Powers should severally come to the *same* conclusion with Great Britain, the concurrent expression of their several opinions, cannot have less weight in the judgment of Spain,—and must naturally be more acceptable

* The Memorandum of Conference.—No. 1.

† Austria, Russia, Prussia, Portugal, the Netherlands, and the United States of America.

to Her feelings,—than, if such concurrence, being the result of a Conference of Five Powers, should carry the appearance of a concerted dictation.

If (unhappily, as we think) the Allies, or any of them, should come to a *different* conclusion, we shall at least have avoided the inconvenience of a discussion, by which our own opinion could not have been changed;—we shall have avoided an appearance of mystery, by which the jealousy of other Parties might have been excited;—we shall have avoided a delay, which the state of the question may hardly allow.

Meanwhile, this explicit recapitulation of the whole course of our sentiments and of our proceedings on this momentous subject, must at once acquit Us of any indisposition to answer the call of Spain for friendly counsel, and protect Us against the suspicion of having any purpose to conceal from Spain or from the World.

I am, &c.

(Signed)

GEORGE CANNING,

The Right Hon. Sir W. à Court, G. C. B.

&c. &c. &c.

